Remarks

Applicants respectfully request reconsideration and allowance of the present application in view of the following remarks.

Formality Objections

Claims 1, 8, 15, 24, 33, and 42 stand objected to because of alleged informalities in the language "first subset containing at least one and less than a predetermined maximum number." The Office Action states that this language renders it is impossible for the subset to ever contain more than one number.

Applicants respectfully traverse this objection. The claims require a "first subset containing at least one and less than a predetermined maximum number of game indicia." This language requires that the subset contain at least one game indicia. This language also requires that the subset contain less than a predetermined maximum number of game indicia. For example, if the predetermined maximum number were 11, the first subset could contain any number of game indicia from 1 up to 11. Therefore, Applicants submit that the first subset can contain more than one game indicia, and respectfully request that the objections to the claims be removed.

35 U.S.C. 103(a) Rejection of Claims 1-52

Claims 1-52 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,830,514 (Meyer '514) in view of U.S. Patent 6,913,534 (DeFrees-Parrott '534). Applicants respectfully traverse these rejections for at least the reason that the cited combination fails to disclose or teach each limitation recited in independent claims 1, 8, 15, 24, 33, and 42.

Meyer '514 discloses a system and method for playing a lottery-type game. In Meyer '514, the player indicia determining field 12 contains a set of numbered indicia 14 which allows a player to indicate the quantity of selectable indicia 18, or spots, to be selected by the player (*see* Meyer '514, col. 4, lines 12-16). The player first selects a quantity of spots 18 by choosing one of the numbered indicia 14 in the player indicia determining field 12 (*see* Meyer '514, col. 5, lines 60-67; col. 6, lines 1-5). The player then selects this proper quantity of player-selected indicia 21 from each column 19A-19C of a matrix 16 (*see* Meyer '514, col. 6, lines 56-63). A wager is obtained on an amount-per-draw basis (*see* Meyer '514, col. 7, lines 14-25). Next, gaming administrator generated indicia are produced for comparison with the player-selected indicia 21 (*see* Meyer '514, col. 8, lines 10-11). "If any player-selected combination matches the gaming administrator generated combination in a qualifying draw, the draw is a winning draw for the ticket holder." (*See* Meyer '514, col. 9, lines 22-25). This completes a draw or round of play. If the holder of the wager ticket 48 is eligible for more draws, a next sequential random combination is generated by the gaming administrator. The wager ticket 48 is then examined to determine whether any player indicia match the next sequential random combination (*see* Meyer '514, col. 10, lines 37-41). In other words, in consecutive rounds of play, the same player selected indicia are compared to different gaming administrator generated combinations.

Therefore, Meyer '514 does not disclose each and every limitation of independent claims 1, 8, 15, 24, 33, and 42. For example, each independent claim requires (in part) "random selection of a supplemental entry for the player for the at least one occurrence of the wagering game . . .." Further, each independent claim 1 requires, after comparison of the game indicia of a drawing subset to the game indicia of a first

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subset of a first entry, comparison of the game indicia of the drawing subset to the game indicia of a combined game entry comprising the game indicia of the first subset and a second subset. In other words, the same drawing subset is compared to both a first entry and a supplemental combined game entry. Meyer '514 does not disclose a supplemental entry for a player for the at least one occurrence of a wagering game or comparison of a drawing subset to both a first entry and a supplemental combined game entry.

DeFrees-Parrott '534 does not cure the deficiencies of Meyer '514. DeFrees-Parrott '534 discloses a gaming machine that provides a player with an opportunity to play a lottery game upon the occurrence of a predetermined event during play of a casino game. A player is permitted to play a standard gaming device 12 (*see* DeFrees-Parrott '534, col. 8, lines 14-16). If a particular predetermined event occurs during play of the standard gaming device 12, control module 40 outputs activation signals to lottery game display 36. In response, module 36 is activated, and a lottery game is ready for play (*see* DeFrees-Parrott '534, col. 8, lines 61-65). "The lottery player then uses player interface 52 to play the lottery game. Specifically, the player uses a keypad connected to interface 52 to input his or her selected or favorite lottery number." (*See* DeFrees-Parrott '534, col. 8, lines 65- 7; col. 9, lines 1-2).

Therefore, DeFrees-Parrott '534 does not disclose a supplemental entry for a player for the at least one occurrence of a wagering game or comparison of a drawing subset to both a first entry and a supplemental combined game entry. Instead, DeFrees-Parrott '534 teaches away from the claimed invention by disclosing player participation in a lottery game that is entirely separate from the standard wagering game and that requires a separate player entry from that of the standard wagering game.

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Applicants note that "a prima facie case of obviousness can be rebutted if the applicant can show that the art in any material respect taught away from the claimed invention." *In re Haruna*, 249 F.3d 1327,1335 (Fed. Cir. 2001).

Based on the preceding, Applicants respectfully assert that DeFrees-Parrott '534 teaches away from being combined with Meyer '514 in a manner to render obvious the present claims. In addition, Applicants respectfully assert that the cited combination fails to disclose or teach the following limitations that are recited in part in each independent claim: (1) randomly selecting a supplemental entry for the player for the at least one occurrence of the wagering game; and (2) comparing the game indicia of the drawing subset to a combined game entry comprising the game indicia of the first subset and the second subset. Therefore, Applicants respectfully request withdrawal of the rejections of independent claims 1, 8, 15, 24, 33, and 42, as well as all dependent claims, under 35 U.S.C. § 103(a).

For at least the reasons discussed above, Applicants respectfully submit that the present application is in complete condition for allowance, and favorable action, therefore, is respectfully requested. Should any issues remain after consideration of this amendment, then Examiner Rendon is invited and encouraged to telephone the undersigned at his convenience. If any fee not accounted for above is required for entry of this Amendment or papers filed herewith, authorization is hereby granted to charge such fee to Deposit Account No. 04-1403. If any petition is required for entry, such petition is hereby made and any associated fees may also be charged to our deposit account. Should the Examiner have any questions with respect to this response, he is invited and encouraged to telephone the undersigned at his convenience.

Respectfully submitted,

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